

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for considering the material cited in the Supplemental Information Disclosure Statement filed in the present patent application on August 31, 2010, by the return of the signed copy of the Form PTO-1449 attached to the Final Official Action.

In the Final Official Action, the Examiner objected to independent claim 12 as being a substantial duplicate of independent claim 10. Claims 10-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 10-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of SHAMOON et al. (U.S. Patent No. 7,233,948 B1), and RAMBHIA (Non-patent literature "Coding of Moving Pictures and Audio". Claims 10-18 were rejected under 35 U.S.C. § 102(a) as being anticipated by ISMA (ISMA 1.0 Encryption and Authentication).

Upon entry of the present amendment, claims 10-18 have been cancelled. Claims 1-9 were previously cancelled. New claims 19-20 have been added. Thus, claims 19-20 are currently pending for consideration by the Examiner.

Pursuant to M.P.E.P. § 714.13, Applicants respectfully submit that entry of the present amendment is appropriate because the proposed amendment, arguments, and remarks avoid the objection and rejections set forth in the Final Official Action, resulting in the patent application being placed in condition for allowance. Additionally, Applicants respectfully submit that the amendment does not raise new issues that would require further consideration and/or search, since the Examiner has previously conducted extensive searches in this patent application relating to the subject matter in these claims. Furthermore, the amendment cancels nine claims, while only adding two new claims, thus further simplifying the issues in this patent application.

Accordingly, entry of the present amendment is believed to be appropriate, and is respectfully requested.

In the Final Official Action, the Examiner objected to independent claim 12 as being a substantial duplicate of independent claim 10. Claims 10-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 10-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of SHAMOON and RAMBHIA. Claims 10-18 were rejected under 35 U.S.C. § 102(a) as being anticipated by ISMA (ISMA 1.0 Encryption and Authentication). As stated above, in the present amendment Applicants have cancelled previously pending claims 10-18. Thus, Applicants respectfully submit that the above-cited objection to independent claim 12, and the above-cited rejections of claims 10-18 under 35 U.S.C. § 102(a), under 35 U.S.C. § 103(a), and under 35 U.S.C. § 112, second paragraph, have been rendered moot.

Applicants respectfully submit that the specific combination of features recited in new independent claim 19 and new dependent claim 20 are not disclosed by, or rendered obvious by, any of the applied references alone, or in combination. Applicants wish to particularly draw the Examiner's attention to the provisions in new independent claim 19 that explicitly recite: *wherein the Tool List descriptor is read to the tool ID, if the Tool ID is identified as either ISMA Cryp decryption tool or KMS tool to determine that the ISMA media stream is protected by ISMA Cryp protection.* Applicants submit that none of the previously applied references disclose at least this feature of new independent claim 19.

Applicants submit that support for new independent claim 19 is at least provided in Applicants' specification on page 20, lines 14-24, and page 9, lines 21-25, as well as by original claim 1 and page 5, lines 15-19 of the original English language priority application specification for Japanese Patent Application No. 2003-131372.

Additionally, support for new dependent claim 20 is at least provided in the section of Applicants' specification from page 20, line 25, through page 21, line 5, as well as by original claim 2 of the original English language priority application specification for Japanese Patent Application No. 2003-131372.

Please note that a copy of the original English language priority application document for Japanese Patent Application No. 2003-131372, which was filed in English in the Japan Patent Office on May 9, 2003, is provided in the Appendix to this Amendment to show the support provided therein, and to provide support for Applicants' claim for priority based on Applicants' Japanese priority Application No. 2003-131372.

Based on Applicants' claimed foreign priority filing date of May 9, 2003, Applicants respectfully submit that ISMA Encryption and Authentication Version 1, October 2003, pages 1-46, is not available as a prior art reference with regard to Applicants' pending claims 19-20.

As a final note, Applicants wish to bring to the Examiner's attention that claims similar to pending claims 19-20, presented in the corresponding Japanese Patent Application No. 2004-131620, have now been patented as Japanese Patent No. 4562417.

SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the pending claims in the present patent application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the Final Official Action is respectfully requested, and an indication of the allowance of claims 19-20 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Ming Ji et al.

Gary V. Harkcom
for Bruce H. Bernstein
Reg. No. 29,027

February 14, 2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Gary V. Harkcom
Reg. No. 62,956

APPENDIX

This Appendix provides a copy of the original English language priority application document for Japanese Patent Application No. 2003-131372, which was filed in English in the Japan Patent Office on May 9, 2003. This priority document is submitted to provide support for Applicants' claim for priority based on Applicants' Japanese priority Application No. 2003-131372.